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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-875

**SHAWOND NICOLE GIVENS
3172 N. Springdale Drive, Apt. 256
Long Beach, CA 90810
Vocational Nurse License No. VN 221327**

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs.

2. On or about June 23, 2006, the Board issued Vocational Nurse License Number VN 221327 to Shawond Nicole Givens (Respondent). The Vocational Nurse License expired on July 31, 2010, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

6. Section 2878 of the Code states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual nursing functions.

....

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee."

7. Section 2878.5 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022.

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1 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
2 hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in
3 subdivision (b)."

4 **COSTS RECOVERY PROVISION**

5 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **KAISER PERMANENTE**

10 9. From about November 2007 to about January 2009, Respondent was working as
11 the primary licensed vocational nurse in the Dermatology Department at Kaiser Permanente
12 (Kaiser) in La Palma. Respondent was also assigned as the Dermatology Team Leader and office
13 Designee for the provider/prescriber of the iPLEDGE System (iPLEDGE). Her duties included,
14 but not limited to: scheduling procedures and appointments; working with doctors; handling work
15 flow of the clinic; enrolling patients into the iPLEDGE; coordinating the iPLEDGE program
16 activities for Kaiser's members; and supervision of two medical assistants. At all times relevant
17 to the charges herein, Kaiser also used an electronic medical record system called the
18 HealthConnect System (HealthConnect).

19 **iPLEDGE**

20 10. The iPLEDGE program is a computer-based risk management program designed
21 to further the public health goal to eliminate fetal exposure to Isotretinoin, a dangerous drug,
22 through a special restricted distribution program approved by the Food and Drug Administration.
23 Isotretinoin (brand names: Accutane, Amneesteen, Claravis and Sotret) is used to treat severe
24 recalcitrant nodular acne (a certain type of severe acne) that has not been helped by other
25 treatments, such as antibiotics. Isotretinoin is in a class of medications called Retinoids which is
26 known to cause potential birth defects to fetuses. The program strives to ensure that no female
27 patient starts Isotretinoin therapy if pregnant, and no female patient on Isotretinoin therapy
28 becomes pregnant. This enhanced program is a single pregnancy risk management program for

1 prescribing and dispensing all Isotretinoin products (brand and generic products). The iPLEDGE
2 program requires registration of all wholesalers distributing Isotretinoin, all healthcare
3 professionals prescribing Isotretinoin, all pharmacies dispensing Isotretinoin, and all male and
4 female patients prescribed Isotretinoin. This program is designed to create a verifiable link
5 between the negative pregnancy test and the dispensing of the Isotretinoin prescription to the
6 female patient of childbearing potential. The patient must pick up Isotretinoin within seven (7)
7 days after the specimen collection date. The iPLEDGE program requires that all patients meet
8 qualification criteria and monthly program requirements. Before the patient receives his/her
9 Isotretinoin prescription each month, the prescriber must counsel the patient and document in the
10 iPLEDGE system that the patient has been counseled about the risks of Isotretinoin.

11 HEALTHCONNECT

12 11. HealthConnect is Kaiser's comprehensive health information system. It is an
13 integrated system which connects patients to their health care teams, their personal information,
14 and the latest medical knowledge. It coordinates patient care between the physician's office, the
15 hospital, radiology, the laboratory and the pharmacy. It also includes bedside documentation,
16 clinical decision support and bar-coding for medication administration.

17 PATIENT 1

18 12. Respondent entered a specimen collection date of 11/12/08 and a specimen result date
19 of 11/17/08 into iPLEDGE. Kaiser's HealthConnect reflects a specimen collection date of
20 11/10/08 and the patient picked up Isotretinoin on 11/18/08, which was beyond the seven-day
21 window period. Respondent entered specimen collection dates of 08/20/08 and 09/19/08, and a
22 specimen result date of 10/09/08 into iPLEDGE. HealthConnect contains no specimen collection
23 dates of 08/20/08 and 09/19/08 at all. HealthConnect reflects that Patient 1 was seen by the
24 doctor during office visits on 03/20/08, 08/19/08, 02/16/09, and the patient picked up Isotretinoin
25 on 12/26/08, 11/18/08, 07/11/08, 06/11/08, and 05/19/08 without seeing the doctor. On 05/19/08,
26 HealthConnect shows that Respondent was the "Encounter Provider" or prescriber for
27 Isotretinoin. On 12/24/08, HealthConnect shows Respondent received a call of the patient and
28 wrote: "Pt preg test is negative. Pt confirmed in I-pledge and medication refilled. Pt informed to

complete questions in I-pledge and medication is available for pick up. Appointment is booked for January.” HealthConnect reflects this patient was not seen by the doctor on 12/24/08.

PATIENT 2

13. Respondent entered specimen collection dates of 11/05/08 and 12/15/08 into iPLEDGE. HealthConnect indicates that the patient picked up Isotretinoin on 11/17/08 and 12/23/08 which were beyond the seven-day window period. HealthConnect shows that Respondent documented a call with this patient on 10/08/08: “Called and informed pt that the preg test was order she can go to any OC lab and have her bld drawn. Once result is back the office can confirm her counseling and she can answer her questions and then pick up her medication. Lmom to call the office if she has any concerns.” HealthConnect reflects Respondent documented on 11/14/08: “Review preg test. Confirmed pt in i-pledge and reordered accutane. Pt started accutane in October. Spoke with pt and informed her of the 7 day rule once preg test is done.”

PATIENT 3

14. Respondent entered specimen collection dates of 01/20/09 into iPLEDGE. HealthConnect reflects that this patient picked up Isotretinoin on 01/29/09, which was beyond the seven-day window period. HealthConnect shows that on 12/22/08 Respondent had a telephonic discussion with this patient but this patient was not seen by the doctor in the office. HealthConnect indicates that the patient picked up the medication on 12/25/08.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

15. Respondent’s license is subject to discipline under Code section 2878, subdivision (a)(1) on the grounds of unprofessional conduct, in that between about November 2007 to about January 2009, Respondent was grossly negligent in her handling of Patients 1, 2 and 3 by inputting incorrect dates for the patients’ pregnancy tests into iPLEDGE; refilling Isotretinoin without the mandated assessments of the patients’ conditions to include information such as side effects, birth control methods, and skin conditions; practicing outside of her scope in that she confirmed counseling, co-signing prescription orders for Isotretinoin, made conclusions and

1 assessments without a written or verbal order from the doctor; allowing patients to pick up their
2 medications beyond the seven-day window period; failing to consult with a doctor prior to
3 medication dispensation; and failing to notify her manager or designee of her actions.
4 Complainant refers to and incorporates all the allegations contained in paragraphs 9 – 14, as
5 though set forth fully.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dishonest Acts)**

8 16. Respondent's license is subject to discipline under Code section 2878, subdivision (j)
9 on the grounds of dishonesty, in that between about November 2007 to about January 2009,
10 Respondent was dishonest in her handling of Patients 1, 2 and 3 by refilling prescriptions without
11 a doctor's order, and entering inaccurate pregnancy test dates into iPLEDGE, thereby allowing
12 these patients to receive Isotretinoin beyond the requisite timeframe. Complainant refers to and
13 incorporates all the allegations contained in paragraphs 9 – 15, as though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Illegal Prescription/Furnishing of Dangerous Drug)**

16 17. Respondent's license is subject to discipline under Code section 2878.5, subdivision
17 (a) on the grounds of unprofessional conduct, in that between about November 2007 to about
18 January 2009, Respondent illegally prescribed, refilled and/or furnished Isotretinoin, a dangerous
19 drug, to Patients 1, 2 and 3. Complainant refers to and incorporates all the allegations contained
20 in paragraphs 9 – 16, as though set forth fully.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Falsified or Made Grossly Incorrect or Grossly Inconsistent Entries)**

23 18. Respondent's license is subject to discipline under Code section 2878.5, subdivision
24 (e) on the grounds of unprofessional conduct, in that between about November 2007 to about
25 January 2009, Respondent falsified, made grossly incorrect or grossly inconsistent entries in
26 Kaiser's iPLEDGE involving the pregnancy test dates of Patients 1, 2 and 3, so that these patients
27 could receive Isotretinoin beyond the requisite timeframe.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
4 issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 221327, issued to
6 Shawond Nicole Givens;

7 2. Ordering Shawond Nicole Givens to pay the Board of Vocational Nursing and
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
9 pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.
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13 DATED: September 19, 2011



14 TERESA BELLO-JONES, J.D., M.S.N., R.N.
15 Executive Officer
16 Board of Vocational Nursing and Psychiatric Technicians
17 Department of Consumer Affairs
18 State of California
19 Complainant

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